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**Lexicon Genetics  
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# Fax

**To:** Examiner M. Monshipouri  
USPTO

**From:** David Hibler *DA*

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**Fax:** 571-273-0932

**Date:** September 24, 2004

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**Phone:**

**Pages:** 5 (including coversheet)

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**Re:** LEX-0382-USA  
App Serial Number: 10/010,720

**CC:** File

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**Comments:**

Please find attached a copy of the entire Response to the Restriction Requirement filed on July 19, 2004, in the above-mentioned patent application. Please let me know if you require any further information.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s):	Walke <i>et al.</i> <i>10/010,720</i>	Group Art Unit:	1652
Application No.:	<del>09/354,896</del>	Examiner:	M. Monshipouri
Filed:	05/14/2001	Atty. Docket No.: LEX-0178-USA	
Title: Novel Human Kinases and Polynucleotides Encoding the Same			

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**AMENDMENT AND RESPONSE TO RESTRICTION AND ELECTION  
REQUIREMENTS DATED SEPTEMBER 12, 2002**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

The Examiner is respectfully requested to enter the following amendments. A response to the Restriction and Election Requirement sent by facsimile on May 17, 2004 (hereafter "the Requirement") is also included herewith, and the Examiner is respectfully requested to consider the remarks therein.

A Petition for an Extension of Time of one month to and including July 17, 2004, which falls on a Saturday and is therefore extended until Monday, July 19, 2004 under 37 C.F.R. § 1.7, and authorization to deduct the fee as required under 37 C.F.R. § 1.17(a)(1) from Applicants' representatives Deposit Account are included. The response is thus timely filed. Applicants believe no fees in addition to the fee for the extension of time are due in connection with this response. However, the Commissioner is authorized to charge any necessary fees or credit any overpayment to Deposit Account No. 50-0892.

**RESPONSE****I. Restriction Requirement**

The Examiner has determined that the original claims are directed to over 68 separate and distinct inventions under 35 U.S.C. § 121.

**II. Response to Restriction Requirement**

In response to the Requirement, Applicants hereby elect without traverse to prosecute the claims of the Group 39 invention (claim 6 (in part)), drawn to isolated human ENZ66 protein having SEQ ID NO:14, classified in class 435, subclass 194. Accordingly, claims 1-5 and 7-15 have been canceled herein without prejudice and without disclaimer as being drawn to non-elected inventions.

Applicants reserve the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

**III. Claim 6**

Claim 6 is generic to a plurality of disclosed patentably distinct species. Therefore, claim 6 is being amended to remove reference to non-elected inventions. However, as proteins comprising each of the amino acid sequences of SEQ ID NOS:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, and 64 are patentably distinct, Applicants also reserve the right to refile claims to the non-elected inventions from claim 6 in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

**IV. Status of the Claims**

Claims 1-5 and 7-15 have been canceled without prejudice and without disclaimer as being drawn to non-elected inventions. No claims of the Group 39 invention have been cancelled. Claim 6 has been amended. No new claims have been added.

Claim 6 is therefore presently pending in the case.